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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,490	12/28/2001	Bernd Clauberg	US010726	6482

7590

01/16/2003

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EXAMINER

DINH, TRINH VO

ART UNIT PAPER NUMBER

2821

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/037,490

Applicant(s)

CLAUBERG ET AL.

Examiner

Trinh Vo Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Abstract*

1. Applicant is reminded of the proper language for an abstract of the disclosure.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In line 5, a phrase "disclosed" should be avoided.

Correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 3, "the one or more pairs of LEDs" has no antecedent basis.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in–

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of

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this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

5. Claims 1 and 3-4 draw to the apparatus and the method claim 9 is rejected under 35 U.S.C. 102(e) as being anticipated by Nerone (US 6,411,045 B1).

With respect to claims 1 and 3-4, Nerone discloses a LED array (165) having an anti-parallel configuration (Fig. 1), an inverter (120, 125) operable to provide an AC voltage at a switching frequency (Fig. 1, col. 3, lines 1-7), an impedance circuit (150, 155, 160, 180, 185) operable to direct a flow of an AC current through the LED array in response to the alternating current. Nerone, furthermore, discloses the impedance circuit including a first capacitor (160) coupled in series to the LED array and an inductor (150) coupled in series between the inverter and the impedance circuit wherein the LED array including an LED pair, a pair of LED strings or a LED matrix (Fig. 1).

With respect to claim 9, the apparatus discussed above would perform the claimed method.

6. Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Raymond (WO 01/01385 A1) submitted by Applicant.

Raymond discloses, in Fig. 4, a LED array (32a, 32b) having an anti-parallel configuration, means (34) for providing an AC voltage, and means (36) for controlling a flow of an alternating current through the LED array in response to the AC voltage (Fig. 4).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 5-7 draw to the apparatus and the method claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nerone in view of Reymond (WO 01/01385 A1) submitted by Applicant.

With respect to claims 2, 5 and 7, Nerone discloses every feature of the claim invention except a switch operable to control an alternating current through the LED array. Reymond discloses, in Fig. 4, LED array (32a, 32b) including a switch (36) operable to control a flow of an alternating current through the LED array. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a switch to LED array of Nerone in order to control lighting states of the LED array.

With respect to claim 6, Nerone discloses the impedance circuit further including a second capacitor (165 or 180 or 185) coupled in series to the first capacitor.

With respect to claim 10, the apparatus discussed above would perform the claimed method.

### ***Inquiry***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh Vo Dinh whose telephone number is (703) 305-4525. The examiner can normally be reached on Monday-Friday from 8:30 to 6:00.

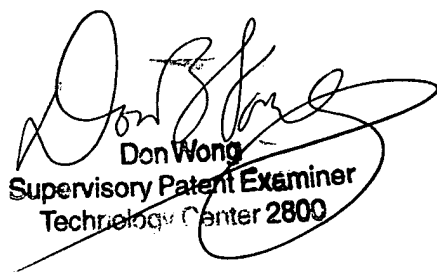
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong, can be reached on (703) 308-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7724.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

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Trinh Vo Dinh  
January 07, 2003



Don Wong  
Supervisory Patent Examiner  
Technology Center 2800